

FISCAL IMPACT STATEMENT ON BILL NO. **S. 265**

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TO: The Honorable Glenn McConnell, Chairman, Senate Judiciary Committee
FROM: Office of State Budget, Budget and Control Board
ANALYSTS: Rodney Grizzle and Allan Kincaid
DATE: January 31, 2005

SBD: 2005107

AUTHOR: Senator Leatherman
SUBJECT: Criminal Gang Prevention Act

PRIMARY CODE CITE: 16-8-210

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:
See Below

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:
\$0 (No additional expenditures or savings are expected)

BILL SUMMARY:

Senate Bill 265 amends Chapter 8, Title 16 of the Code of Laws of South Carolina, 1976, by adding Article 3 to enact, The Criminal Street Gang Prevention Act. This Bill provides definitions and civil and criminal penalties for street gang activities.

EXPLANATION OF IMPACT:

Judicial Department

The Department indicates there will be a minimal impact on the General Fund of the State, which can be absorbed at the current level of funding. However, should the number of cases exceeds what the current pool of circuit court judges can absorb, delays in the circuit court docket can be expected and additional judges would be needed. The cost associated with one additional judge and staff (administrative assistant, court reporter and law clerk) is approximately \$329,894 for personal services and associated operating expenses and \$20,510 of non-recurring cost for automation and furniture. The addition of new judges would also require more courtroom space, an expense borne by county government.

Prosecution Coordination Commission

The Commission indicates that this Bill will significantly impact the number of jury trials in that persons charged pursuant to the Bill would be entitled to a jury trial for both the underlining criminal charge as well as the criminal gang activity. This increased activity could significantly impact the General Fund, insomuch as it affects the Office of Solicitor through the Commission's line item "Judicial Circuits State Support." The fiscal impact is undeterminable at this time due to a lack of historical data/cases relating to the number of criminal gang activities within the past three years.

State Law Enforcement Division (SLED)

SLED currently collects and furnishes information related to gang activities; therefore, there will be no impact on the General Fund of the State or on Federal and/or other funds.

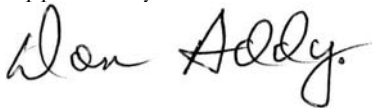
LOCAL GOVERNMENT IMPACT:

Responses from local governments indicate enactment would have an impact on expenditures. Costs include estimates of \$31,250 recurring funds for additional personnel and operating expenses. Non-recurring costs for additional equipment are estimated to be \$20,000.

SPECIAL NOTES:

None.

Approved by:



Don Addy
Assistant Director, Office of State Budget